HON'BLE MS JUSTICE G. ROHINI

W.P.NO. 25000 OF 2000

DATED: 11.10.2007

Between:

Penumatsa Sundara Rama Raju

… Petitioner

and

The District Collector, West Godavari
District and others

…
Respondents

HON'BLE MS JUSTICE G. ROHINI

W.P.NO.25000 OF 2000

ORAL ORDER:

The petitioner claims to be in possession and enjoyment of Ac.2.00 of land situated in R.S.No.14 of Buttaigudem Mandal, West Godavari District, which is notified as a Scheduled area.

It is stated that the petitioner has acquired the said land under a possessory sale agreement dated 11.11.1969 and even the eviction proceedings initiated against him under Section 3 of A.P. Scheduled Area Land Transfer Regulations 1 of 1959 were disallowed by order dated 8.10.1992 after due inquiry by the 2nd respondent-Special Deputy Collector, Tribal Welfare. It is stated that though the said order has become final, the respondents have been attempting to interfere with his possession and enjoyment of the land in question, without there being any justifiable reasons.

A counter affidavit has been filed on behalf of the respondents, in which the fact that the petitioner is in possession of the land in question, has not been disputed.

The respondents have also denied the alleged interference

with the possession of the petitioner. However, it is contended that the possession of the petitioner is null and void as per the provisions of Section 3 (1) of Regulation 1 of 1970 and, therefore, the respondents are intending to take appropriate action.

Since the possession and enjoyment of the petitioner in respect of the land in question is not in dispute, and particularly keeping in view the order passed by the 2nd respondent-Special Deputy Collector, Tribunal Welfare, dated 8.10.1992, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession and enjoyment of the petitioner, in respect of the land in question, in any manner whatsoever, without following the due process of law. There shall be no order as to costs.

G. ROHINI, J

Date: 11.10.2007

cvm